IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1778 of 2005

Between:

G. Nagi Reddy, S/o. G. Bheem Reddy,
R/o. Valtoor Village, Pedda Mandadi Mandal, Mahaboobnagar District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority,
MAHABOOBNAGAR DISTRICT, Mahaboobnagar.
2 the Motor Vehicle Inspector, Unit Office, Pebbair, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction particularly one in the nature of the writ of Mandamus, declaring the seizure of the petitioner's vehicle Tractor and Trailer bearing Registration No. AP/22T-8538 & AP/22T-8539, by the 2nd respondent seized under vehicle Check Report No.164390, Dt. 27.12.2004 as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith.

Counsel for the Petitioner: MRM.KRISHNA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the stage of admission, made the following :

ORAL ORDER:

The writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in seizing and detaining the petitioner's Tractor and Trailer bearing No.AP22T 8538 & AP22T 8539 vide Check Report No.164390, dated 27.12.2004 as illegal and arbitrary.

The petitioner claims that he is the owner of the Tractor and Trailer bearing No.AP22T 8538 & AP22T 8539 and that his vehicle was seized vide Check Report No.164390, dated 27.12.2004 by the 2nd respondent for violation of certain provisions of the Motor Vehicles Act and the Rules framed thereunder.

Whether the petitioner has violated certain conditions of the Motor Vehicles Act and Rules framed thereunder has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the 1st respondent is directed to release the petitioner's vehicle bearing No.AP22T 8538 & AP22T 8539 on the following terms and conditions:

1. *that the petitioner shall not alienate or transfer the vehicle.*

2. *that the petitioner shall not remove the spare parts of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required before the competent authority.*

4. *that the petitioner shall pay the taxes due, if any, as on today.*

5. *that the petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

7th February, 2005.

bcj

To

1 The Secretary, Regional Transport Authority,
MAHABOOBNAGAR DISTRICT, Mahaboobnagar.
2 The Motor Vehicle Inspector, Unit Office, Pebbair, Mahaboobnagar District.

3 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT).

4 Two C.D. copies.

Note: Issue wire at party's cost.

B/o.

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